

Remarks

Claims 10-13, 15-20, and 22-27 were previously canceled. By the above amendment, claims 1, 2, 4, 5, 8, 14, and 21, have been rewritten, claims 3, 6, and 9 have been canceled, and claims 28-30 have been added. Dependent claims 2, 5, and 8 have been amended and dependent claims 28-30 have been added to provide specific coverage for various preferred embodiments. The reasons for the other amendments are discussed in the following remarks.

In the outstanding Office Action, the Examiner required restriction between, as best understood by Applicant, the following groups: (i) claims 1, 2, 3, 4, 5, 8, 9, 14, and 21, to the extent relating to non-genomic DNA; and (ii) claims 3, 6, and 9, to the extent relating to genomic DNA. Applicant assumes that the Examiner intended to include claim 7 in Group I, since claim 8, which is included in that group, depends on claim 7. Applicant hereby affirms the election of Group I. Accordingly, non-elected claims 3, 6, and 9 have been canceled without prejudice or disclaimer. This election is without traverse to the extent Applicant understands that the claims as now presented restrict the claims to the elected subject matter.

With respect to the elected subject matter, the Examiner rejected claims 1-9 and 14 under 35 U.S.C. § 112, first paragraph, on two grounds, namely: (i) as containing subject matter not described in the specification as reasonably conveying possession of the claimed subject matter; and (ii) as lacking enablement for the full scope of the claimed subject matter. Both grounds of rejection appear to be grounded on the definitions of the nucleotide and amino acid sequences as originally presented. From comments provided in the Office Action in reference to both grounds of rejection, however, the Examiner does not appear to question that the specification demonstrates possession of, and enables, the claims as presently amended, wherein, e.g., the nucleic acid molecule is now clearly defined as having a nucleotide sequence corresponding to SEQ.ID.NO.:1 or 8 and the protease is now clearly defined as having an amino acid sequence corresponding to

SEQ.ID.NO.:7 or 9. Accordingly, Applicant requests the Examiner to withdraw the rejections under the first paragraph of Section 112.

Claims 4-9, 14, and 21 were also rejected under the second paragraph of 35 U.S.C. § 112 as being indefinite due to the recitations of "protease T protein" in claims 4, 5, 14, and 21. The claims have been amended to clearly define the serine protease by reference to amino acid sequence and deletion of the superfluous "protein". Accordingly, the rejection for indefiniteness has been overcome.

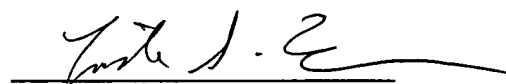
Claims 1-9 were rejected under 35 U.S.C. § 102(b) as being anticipated by Antalis et al. (WO 98/36054). Claims 14 and 21 were rejected under 35 U.S.C. § 102(b) as being obvious from Antalis et al. in view of Burgess et al. (US 6,165,771). These rejections are respectfully traversed.

The teachings and suggestions of Antalis et al. and Burgess et al., taken alone or together, fail to anticipate or render obvious an isolated and purified nucleic acid molecule having a nucleotide sequence as set forth in SEQ.ID.NO.:1 or 8 as defined in claim 1, an expression vector containing such a nucleic acid molecule as defined in claim 4, a recombinant host cell containing such a vector as defined in claim 7, a process for expressing serine protease T in such a recombinant host cell as defined in claim 14, or a kit comprising such a nucleic acid molecule as defined in claim 21. Accordingly, these claims and the claims depending thereon patentably distinguish over the cited prior art.

In view of the foregoing, Applicant respectfully requests allowance of the pending claims.

Respectfully submitted,

Date: December 10, 2003



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